

Express Mail Label No. EV 866302119 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hallenbeck, et al.	Docket No:	3802-166-27 NATL. (306229-326)
Serial No.:	10/553,386	Confirmation No.:	9076
Int'l App. No.:	PCT/US04/11623	Int'l Filing Date:	April 15, 2004
For:	TMPRSS2 REGULATORY SEQUENCES AND USES THEREOF	Examiner:	To be assigned

DECLARATION UNDER 37 C.F.R. 1.47(A)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Jessica N. Cecena, do hereby declare and state that:

1. I have first hand knowledge of the following statement of facts, which are pertinent to the inability to locate the non-signing inventor, Carl Hay, of the above-referenced patent application.

2. The last known address for Mr. Hay is as follows:

28301 Honeysuckle Drive
Damascus, MD 20872

3. There are no other addresses known for Mr. Hay.

4. The following steps have been taken in an effort to locate Mr. Hay (Exhibits A-E):

a. Shanthi Ganesh, a former coworker of Mr. Hay provided Mr. Hay's residence address, as stated above.

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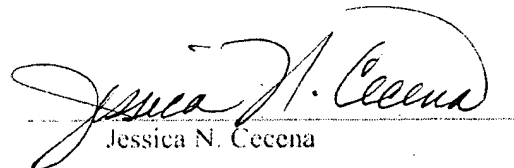
b. A package including a copy of the inventor's Declaration, Power of Attorney, Petition and Assignment was sent by me via Fedex to Mr. Hay for his signature on August 17, 2006 and I received no response.

c. Michelle Rollance, another former coworker of Mr. Hay contacted him on October 5, 2006 and Mr. Hay indicated that he did not want to sign the declaration.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Furthermore, I am aware that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-captioned patent application, and any patent issuing thereon.

Date:

October 26, 2006


Jessica N. Cecena

October 18, 2006

NOTE TO FILE

GTI 008.2 US

US Patent Application No.: 10/553,386

For: *TMPRSS2 Regulatory Sequences and Uses Thereof*

Inventors: Paul Hallenbeck, Garret Hampton, Carl Hay, Ying Huang, John Jakubczak

Carl Hay declined to sign the Declaration and Assignment of Application documents.

We first approached Shanthi Ganesh, a former GTI employee with CG, and asked her assistance to contact him on our behalf. Attached are e-mail correspondence from Shanthi attempting to track down Carl through other former GTI colleagues working with him at MedImmune. Shanthi also asked Michelle Rollance, also a former GTI employee with CG, to speak with him when she visits MD.

October 5 – spoke with Michelle Rollance. She relayed that she met him during vacation and asked him about the documents. He told her he refused to sign it. She tried to convince him otherwise and he said he would give it more thought.

10/18/06 – to date we have haven't received the documents back from him.

Jessica Cecena

From: Shanthi Ganesh
Sent: Friday, September 22, 2006 9:41 AM
To: Jessica Cecena
Subject: FW: Hi

Jessica,

Everyone is trying to push Carl... Hopefully he will email us??

Shanthi

From: Clarke, Lori [mailto:clarkel@MedImmune.com]
Sent: Friday, September 22, 2006 6:39 AM
To: Shanthi Ganesh
Subject: RE: Hi

Hi Shanthi-

Carl is around but not always the best at responding quickly to e-mails. I'll make sure he got the e-mail okay and give him a gentle little push to get back to you.

Take care,
Lori

-----Original Message-----

From: Shanthi Ganesh [mailto:shanthi.ganesh@cellgenesys.com]
Sent: Thursday, September 21, 2006 11:35 AM
To: Clarke, Lori
Subject: Hi

Hi Lori,

Is Carl around or is he away on vacation? I emailed him also and didn't hear from him yet. Just wondering. Anyway, Michele is counting days to go back to MD to meet you guys. She is very excited. Catch up with you later.

Shanthi

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10/20/2006

EXHIBIT B

Jessica Cecena

From: Shanthi Ganesh
Sent: Monday, September 18, 2006 1:22 PM
To: Jessica Cecena
Subject: RE: former GTI folks

Jessica,

I do have contacts with Paul Hallenbeck and Carl Hay. If you want me to write them and introduce them like last time, please let me know. I do not know who Garrett Hampton is though.

Shanthi

From: Jessica Cecena
Sent: Monday, September 18, 2006 1:17 PM
To: Shanthi Ganesh
Subject: former GTI folks

Hi Shanthi,

Could you please let me know if you're still in contact with these former GTI employees or know of their current whereabouts:

Paul Hallenbeck
Garrett Hampton
Carl Hay

We trying to track them down to have them sign some patent assignment documentation.

Thanks for your help.

-Jessica

Jessica N. Cecena
Patent & Contract Administrator
Cell Genesys, Inc.
500 Forbes Boulevard
South San Francisco, CA 94030
Direct: 650.266.3005
Fax: 650.266.2940
E-mail: jessica.cecena@cellgenesys.com

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10/20/2006

EXHIBIT C

CELL GENESYS

Direct Dial: (650) 266-3005

Fax No.: (650) 266-2940

E-Mail: jessica.Cecena@cellgenesys.com

August 17, 2006

Carl Hay
28301 Honeysuckle Drive
Damascus, MD 20872

Re: U.S. Patent Application No.: 10/553,386
for: "TMPRSS2 Regulatory Sequences and Uses Thereof"
by: Paul Hallenbeck, Garret Hampton, Carl Hay, Ying Huang, John Jakubczak
Our ref: GTI 008.2 US

Dear Dr. Hay,

Enclosed for your signature are Declaration and Assignment of Application forms for the above-referenced patent application. Please sign and date both forms in BLUE ink. ONLY the Assignment needs to be notarized. After signing, please return them to me via the enclosed pre-stamped envelope. Please include the receipt for the Notary Public fee for reimbursement.

The deadline for filing this Declaration is September 26, 2006, so please send it back to my attention before September 8.

Please do not hesitate to contact me at (650) 266-3005 or at Jessica.Cecena@cellgenesys.com if you have any further questions or need additional information regarding this matter.

Sincerely,



Jessica N. Cecena
Patent & Contracts Administrator

Enclosures

Cell Genesys, Inc.
500 Forbes Boulevard
South San Francisco, CA 94080
(650) 266-3000
Fax (650) 266-3010
www.cellgenesys.com

EXHIBIT D

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From: Origin ID: (650)266-3096
 Jessica Cecena
 Cell Genesys
 500 Forbes Blvd.

South San Francisco, CA 94080



CL8052506/17/22

SHIP TO: (000)000-0000

BILL SENDER

Carl Hay

28301 Honeysuckle Drive

Damascus, MD 20872

Ship Date: 24AUG06
 ActWgt: 1 LB
 System#: 1246336/INET2500
 Account#: S *****

REF: 830



Delivery Address Bar Code

** 2DAY **

MON

Deliver By:
 28AUG06

TRK# 7921 8901 7334

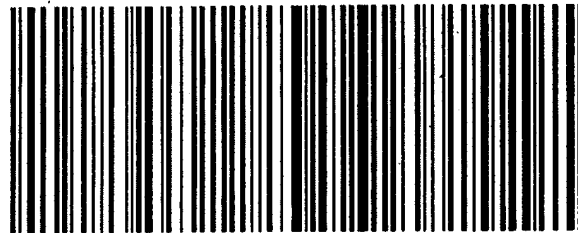
FORM
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EXHIBIT E